

**DEPARTMENT OF COMMERCE
SUMMARY OF PUBLIC HEARING COMMENTS AND AGENCY RESPONSE**

Page 1 of 13

Clearinghouse Rule Number: 05-113		Hearing Location: Madison	
Rule Number: Chapters Comm 2, 20-21, 60 and 61		Hearing Date: January 18, 2006	
Relating to: Erosion Control, Sediment Control and Storm Water Management for the Construction of Buildings			
Comments: Oral or Exhibit No.	Presenter, Group Represented, City and State	Comments/Recommendations	Agency Response
Oral	Brent Denzin Midwest Environmental Advocates, Madison	<p>Concerned over the overlap between the proposed rules and the Clean Water Act implementation under the Department of Natural Resources oversight.</p> <p>Believes that the Department of Natural Resources has allowed the Department of Commerce to implement their rules under NR 216.</p> <p>Believes that Commerce’s rules provide Clean Water authority to discharge pollutants into water bodies for many sources.</p> <p>Seeking recognition from Commerce that its proposed rules are equivalent to NR 216 in order to provide Clean Water coverage.</p> <p>Believes that the proposed rules are not equivalent to NR 216 with respect to:</p> <ul style="list-style-type: none">• Notice of intent filing timeframes, 7 days versus 14 days, does not allow adequate time to determine whether additional measures are necessary.• Determinations whether a general permit or separate individual permit is necessary for a specific discharge.• Lack of reference to long-term maintenance plans. <p>Will be submitting written comments that will clarify the organizations concerns and issues.</p>	<p>The Department of Natural Resources has worked with the Department of Commerce during the development of the rules. To this date Commerce has received only affirmation from DNR that the technical requirements in the proposed rules are equivalent to NR 216 erosion, sediment control and stormwater management requirements. Only the Department of Natural Resources has the authority to recognize equivalency. The proposed rules are developed under the statutory authority of ss. 101.1205 and 101.653, Stats.</p> <p>The EPA notice of intent submission timeframe is 7 days prior to land disturbance. The Department is working with the construction industry on providing efficient turnaround times on every submittal. The proposed process is intended to allow time for site review and assurance of environmental protection. Individual NR 216 permits are the responsibility of the Department of Natural Resources. The reference to the long term management plan is included in the hearing draft in ss. Comm 21.125 (2) and 60.30. This reference is through NR 151.12.</p>
Exhibit No.	Mary Jo Webster	Suggests adding the term stock piling under the definitions of “construction	The Department believes that by including stockpiles as

DEPARTMENT OF COMMERCE
SUMMARY OF PUBLIC HEARING COMMENTS AND AGENCY RESPONSE

Page 2 of 13

Clearinghouse Rule Number: 05-113		Hearing Location: Madison	
Rule Number: Chapters Comm 2, 20-21, 60 and 61		Hearing Date: January 18, 2006	
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1	LaCrosse County Dept. of Land Conservation	<p>activity” and therein not having to address them under “mandated practices”; ss. Comm 20.07(46m) and 60.04(2).</p> <p>Asks how slope is to be indicated on site plans under s. Comm 20.09(4)(a)1.c. Suggests adding a provision requiring the site plan to provide surface contour lines at appropriate intervals for those areas where one or more acres of land disturbance occurs and where the slopes are 20% or greater.</p> <p>Indicates that renumbered s. Comm 20.09(4)(d) needs to reference “site plan” rather than “plot plan”.</p> <p>Suggests that ss. Comm 21.125(1)(b) and 60.20(2) be worded as follow: 1. The deposition of soil onto streets to tracking by vehicles. 2. The discharge of sediment from land disturbing construction activity to the following: a. On-site storm water inlets. b. Abutting waters of the state. c. Drainageways that flow off site. d. Adjacent properties.</p> <p>Suggests modifying the last line of ss. Comm 21.125(1)(c)(intro.) and 60.20(3)(intro.) to read: “not to exceed the lesser of the following:”</p>	<p>one of the mandated practices there will be an increased awareness within the design and construction industry for properly managing stockpiles.</p> <p>The Department believes that rules are adequate with respect to the slope and direction.</p> <p>The draft will be revised to reflect the suggestion.</p> <p>The Department believes that the rules and the format are adequate.</p> <p>The Department does not believe that the suggestion will provide greater clarity; however, the introductory language will be revised to address other submitted comments.</p>
Exhibit No. 2	Jerry Deschane Wisconsin Builders Association	<p>Believes that there are several instances where the rule will be impractical to implement, particularly for small construction sites.</p> <p>Believes in other areas that the rules do not use the same standards for storm water management that are found in NR151.</p> <p>Believes some rules exceed either federal and state laws, specifically in</p>	<p>The proposed rules are intended to have a minimal impact on the construction industry and still comply with statutory obligations and the intent of the EPA Phase II requirements.</p> <p>Because the post construction storm water management requirements simply refer to NR 151.12, the requirements are equivalent. The Wisconsin statutes under ss. 101.1205 and 101.653,</p>
	Deschane continued		

**DEPARTMENT OF COMMERCE
SUMMARY OF PUBLIC HEARING COMMENTS AND AGENCY RESPONSE**

Page 3 of 13

Clearinghouse Rule Number: 05-113		Hearing Location: Madison	
Rule Number: Chapters Comm 2, 20-21, 60 and 61		Hearing Date: January 18, 2006	
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		<p>regards to regulating sites where less than one acre of land-disturbing construction activity occurs.</p> <p>States that the rules cannot proceed without a small business impact analysis pursuant to ch. 227, Stats.</p> <p>Asks that s. Comm 20.02(2)(b) be clarified with respect to “storm water management” and “erosion control” because as worded the rule encourages more regulatory variation in relation to the “uniformity” of the dwelling code. Comm 20.02(2)(e) in allowing more stringent local ordinance also is not consistent with the “uniformity” of the dwelling code; suggests adding the clarification “when directed by an order of the EPA or by an administrative rule promulgated by the department of natural resources under s. NR 151.004”.</p> <p>Supports the UDC permit serving as the Notice of Intent when required.</p> <p>Comm 20.09(4)(b): The development of a storm water management plan for a single-family home is potentially expensive, suggests the department provide prescriptive practices as a equivalent option.</p> <p>Comm 20.10(1)(c)2.: Believes that the use of stop work orders needs to be balanced with re-inspection/start work protocol.</p> <p>Comm 20.10(1)(c)2.: Points out that a corrective action could result in</p>	<p>Stats., require erosion control standards for all building construction sites. The standards for sites of less than one acre disturbed are essentially the same as the current requirements of the Uniform Dwelling Code.</p> <p>The Department will revise the Rule Analysis clarifying the potential impact on small businesses.</p> <p>The storm water management requirements found in the draft are minimum standards and a municipality may enact more stringent ordinances pursuant to their statutory authority. Because of the WPDES permitting requirements that impact municipalities, the proposed code must permit them to comply with EPA standards and targeted DNR requirements. This in no way allows a municipality to develop its own erosion control standards for one- and two-family or commercial building sites except for these two exceptions. The draft will be revised to clarify the intent.</p> <p>No response necessary.</p> <p>There are many options for compliance with s. NR 151.12. Some have no cost impact on the one- and two-family owner. The department plans on assisting homeowners in choosing options. The Federal EPA requirements and the Department of Natural Resources’ storm water management requirements apply regardless of this inclusion in the draft.</p> <p>The rules reflect section 101.653 (7) (b), Wis. Stats., which authorizes the use of “stop work orders” to address erosion control violations.</p> <p>For some practices, failure may be corrected at a more</p>
	Deschance continued		

**DEPARTMENT OF COMMERCE
SUMMARY OF PUBLIC HEARING COMMENTS AND AGENCY RESPONSE**

Page 4 of 13

Clearinghouse Rule Number: 05-113		Hearing Location: Madison	
Rule Number: Chapters Comm 2, 20-21, 60 and 61		Hearing Date: January 18, 2006	
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		<p>having to restore a practice, e.g. silt fence, in the middle of a rain storm.</p> <p>Comm 21.125/60.20(1): Notes that control measures will be required to be in place prior to any grading which may be complicated for small-lot jobs.</p> <p>Comm 21.125 (1) (c): Asks why a runoff standard different from ch. NR 151 is used – believes the standard will need to involve an engineer.</p> <p>Comm 21.125(1)(d): Believes that the computer modeling will be costly for builders of single family dwellings, would rather the rules provide prescriptive simple options.</p> <p>Comm 21.125(1)(e): Believes that rain gauges and maintenance logs are unnecessary.</p> <p>Comm 21.125(2): Contends that the storm water management plans should apply only to dwelling sites where one or more acres of landing activity occurs.</p> <p>Comm 60.10(2)(b) in allowing more stringent local ordinance also is not consistent with the “uniformity” regarding multifamily buildings; suggests adding the clarification “when directed by an order of the EPA or by an administrative rule promulgated by the department of natural resources under s. NR 151.004”.</p>	<p>leisurely pace. When failure impacts an exceptional resource water, repair or replacement may need to be immediate.</p> <p>Practices may take several different forms including mulch, silt fence, vegetative buffers or in some instances, nothing. Small lots have solutions that are different than those for large developments.</p> <p>The standards are identical to the NR 151 soil loss standards for one acre or more disturbed sites, except for the proposed allowable loss of 5 or 7 ½ tons per acre per year.</p> <p>The Department plans to provide specific solutions for homeowners before the beginning of the 2006 construction season and free internet access to modeling software with the implementation of the rules.</p> <p>Agreed, the rules will be revised to be consistent with those found in s. NR 216.48.</p> <p>The post construction storm water management plan requirement was not intended to apply to less than one acre disturbed sites. The draft will be clarified to reflect this intent.</p> <p>The draft will be revised to reflect this clarification.</p>
	Deschane continued	Comm 60.12(1)(c): Unlike for dwellings, questions why a separate NOI is	Since commercial buildings have no statewide

**DEPARTMENT OF COMMERCE
SUMMARY OF PUBLIC HEARING COMMENTS AND AGENCY RESPONSE**

Page 5 of 13

Clearinghouse Rule Number: 05-113		Hearing Location: Madison	
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Relating to: Erosion Control, Sediment Control and Storm Water Management for the Construction of Buildings			
Comments: Oral or Exhibit No.	Presenter, Group Represented, City and State	Comments/Recommendations	Agency Response
		<p>needed for commercial projects.</p> <p>Suggests the rules be clarified to address EPA’s “common plan of development” application and allow master erosion control and storm water management plans for individual sites within a development.</p>	<p>construction permit equivalent to the UDC permit, the separate NOI is necessary.</p> <p>The rules and their application reflect the Department’s statutory scope and authority of regulating on a site by site basis. There is nothing in the rule that would prohibit the individual site to utilize offsite storm water management practices. Erosion control must be handled within the owner’s property or site.</p>
Exhibit No. 3	Lori Grant River Alliance of Wisconsin, Madison	<p>Supplemental comments to those submitted by Midwest Environmental Advocates on behalf WISPIRG, Sierra Club, and the River Alliance.</p> <p>Contends the proposals amounts to a weakening of the current rules.</p> <p>Concerned about the inadequacy of the proposed rules assuring compliance with the Federal Clean Water Act.</p> <p>Expresses a lack in confidence in the Department’s commitment to implement the requirements of the Clean Water Act with respect to staffing levels and training.</p> <p>Indicates that they will provide training to the public to recognize inadequate construction erosion control and to provide them with options for reporting and challenging Clean Water Act violations.</p>	<p>The Department believes that the proposal aligns its rules more closely with the DNR rules. In addition, the rules address erosion and sediment control for building construction sites disturbing less than one acre.</p> <p>See response to Midwest Environmental Advocates, exhibit #8.</p> <p>The Department is currently engaged in training approximately 1,200 Uniform Dwelling Code inspectors to prepare those inspectors for their roles in the enforcement of erosion control. The Commercial Building Program has also planned an informational release to designers prior to the 2006 construction season.</p> <p>The Department welcomes the River Alliance training and will work with the alliance to provide information to citizens.</p>
Exhibit No.	William Biesmann	Comm 21.125(4)(c)1.: Suggests that 5-ton per year performance standard be	The draft will be revised to recognize a 7.5 ton per acre

**DEPARTMENT OF COMMERCE
SUMMARY OF PUBLIC HEARING COMMENTS AND AGENCY RESPONSE**

Page 6 of 13

Clearinghouse Rule Number: 05-113		Hearing Location: Madison	
Rule Number: Chapters Comm 2, 20-21, 60 and 61		Hearing Date: January 18, 2006	
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4	Vierbicher Associates, Inc., Reedsburg	<p>revised to be consistent with Dane County’s 7.5-ton standard which was proven to be cost effective.</p> <p>Comm 21.125(3): Believes the “60 % reduction for less than one acre will make it complicated for builders and inspectors – suggests that practices to identified to meet the standard.</p> <p>Comm 21.125(3)(e): Contends the requirement to document rainfall data is impractical.</p>	<p>standard for certain soil textures presently deemed to represent the maximum extent practicable (MEP) for those textures.</p> <p>The standard is a 40% reduction. The draft will be clarified to reflect this standard. The Department will publish practices acceptable to comply with the standard.</p> <p>The rules will be revised to be consistent with the requirements in NR 216.48.</p>
Exhibit No. 5	Peter Swenson US Environmental Protection Agency, Chicago	<p>Suggests the rules require the submission of notices of intent, NOI’s, for both commercial and residential projects.</p> <p>Recommends that copies of all NOI’s, including those received by department agents, be forwarded to the Department of Natural Resources.</p> <p>Suggests wording be added that would indicate “construction sites regulated by the commercial building code in a manner that is equivalent to NR 216 are authorized to discharge storm water in accordance with the conditions of WPDES permit No WI 0067831 and shall be in compliance this permit”.</p> <p>Suggests the rules include a provision that states that DNR has the authority to inspect sediment and erosion controls at construction sites regulated by Commerce and may take necessary enforcement actions.</p>	<p>The draft will be clarified so as to recognize the UDC permit application for one acre or more disturbed sites as also being the NOI.</p> <p>As with current practice, the DNR will receive an electronic copy of information collected through Commerce’s NOI application process.</p> <p>The Department agrees and will add a note that recognizes the interaction between Commerce and the DNR in regards to the WPDES process.</p> <p>The Department will include a note in the draft to communicate other agencies’ impact and involvement affecting construction sites, including DNR enforcement for violations of a WPDES permit.</p>
Exhibit No. 6	Todd Ambs Wisconsin Department of Natural Resources, Madison	<p>Suggests the rules expressly require the submission of notices of intent for residential and commercial sites and declare that these sites have coverage under DNR’s Construction Site Storm Water Discharge General Permit No. WI-S067831.</p>	<p>The rules pertaining to construction will be revised to reflect the submission of an NOI and declare permit coverage. The UDC permit application will include the NOI. A note will be added to recognize the interaction between Commerce and the DNR in regards to the WPDES process.</p>
	Ambs continued	<p>Recommends that a note be added informing building sites covered under</p>	<p>The Department will include notes in the draft to</p>

**DEPARTMENT OF COMMERCE
SUMMARY OF PUBLIC HEARING COMMENTS AND AGENCY RESPONSE**

Page 7 of 13

Clearinghouse Rule Number: 05-113		Hearing Location: Madison	
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	Ambs continued	<p>the discharge permit are subject to enforcement by DNR.</p> <p>Suggests that the proposed erosion/sediment control performance standards be stated in terms of “sediment reduction” to be consistent with NR 151.</p> <p>Comm 60.12(1)(b): Recommends that a 14-working day waiting period be required prior to approval of permit coverage.</p> <p>Additional suggestions changes to rules:</p> <ul style="list-style-type: none">• Comm 20.07 (65r) “Stabilized” means the condition where vegetation is established or other <u>appropriate</u> practices are in place on exposed soil surfaces so as to reduce erosion.• Comm 20.08 (1) Note: For a site where one or more acres of land disturbing construction <u>activity</u> is to occur, the UDC application and UDC permit processes serve as the Notice of Intent (NOI) process <u>required under 40 CFR 122.26</u>.• Comm 20.09 (4)(a)1.c. A site plan shall show the pre-construction ground slope and direction of <u>runoff flow</u> within the proposed disturbed areas <u>of land disturbance</u>.• Comm 21.125 (1)(a)3. This section and in a few other sections, a vegetation density of 70 “per cent” is given. “Per cent” as it is intended here to mean part of a hundred, should be written as one word (percent).• Comm 21.125 (1)(c) We recommend revising as follows: <p>(c) <i>Control Standards</i>. In addition to the practices under par. (b),</p>	<p>communicate other agencies’ impact and involvement affecting construction sites, including DNR enforcement for violations of a WPDES permit.</p> <p>The draft will be revised to achieve this consistency.</p> <p>The EPA notice of intent submission timeframe is 7 days prior to land disturbance. The proposed process is intended to allow time for site review and assurance of environmental protection.</p> <p>The Department does not believe that the addition of the adjective will improve compliance or enforcement.</p> <p>The note has been replaced by rules addressing notices of intent and notices of termination.</p> <p>The draft will be revised to reflect this suggestion.</p> <p>The draft will be revised to reflect this suggestion.</p> <p>The draft will be revised to reflect this suggestion.</p>

DEPARTMENT OF COMMERCE
SUMMARY OF PUBLIC HEARING COMMENTS AND AGENCY RESPONSE

Page 8 of 13

Clearinghouse Rule Number: 05-113		Hearing Location: Madison	
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	Ambs continued	<p>erosion and sediment control practices shall be employed to reduce the potential sediment load in storm water runoff from the site so as not to exceed <u>to meet at least one of the following:</u></p> <p>1. A maximum average soil loss of 5 tons per acre per year. Have no more than 5 tons per acre per year soil loss based on an average annual rainfall for sites where the predominant soil type at the site is hydrologic soil group A.</p> <p>2. Twenty percent <u>Reduce 80%</u> of the potential sediment load in storm water runoff from the site on an average annual basis as compared with no sediment or erosion controls for the site when the land disturbing construction activity involves one or more acres.</p> <p>3. Sixty percent <u>Reduce 40%</u> of the potential sediment load in storm water runoff from the site on an average annual basis as compared with no sediment or erosion controls for the site where less than one acre of land disturbing construction activity is to occur.</p> <p>Comm 21.125 (1)(c)1.a. DNR believes that the mandated sediment control practices would be adequate to control sediment for hydrologic soil group A soils. However, their effectiveness diminishes as the soil particle size decreases. They may do very little to control sediment runoff from finer soils such as clays. For these soils, erosion control practices are much more effective and will only be mandated if the sediment reduction goal is applied.</p> <ul style="list-style-type: none">• Comm 21.125 (1)(f)1.a. Except as provided in subpar. subd. par. c., off-site sediment deposition resulting from ...• Comm 21.125 (1)(f)2. a. Except as provided in subpar. subd. par. b., the owner or owner's agent shall complete repair ...	<p>The mandated practices are in addition to the sediment reduction goals. Sites will be evaluated on an individual basis.</p> <p>The entire section has been reformatted.</p> <p>The entire section has been reformatted.</p>

**DEPARTMENT OF COMMERCE
SUMMARY OF PUBLIC HEARING COMMENTS AND AGENCY RESPONSE**

Page 9 of 13

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	Ambs continued	<ul style="list-style-type: none">Comm 60.10 (2)(a) Instituting administrative or enforcement of erosion and sediment control requirementsComm 60.13 (1)(a)1. An erosion and sediment control plan shall be prepared that delineates the practices to be employed for the site where land disturbing construction activity is to occur. <u>describes the construction site and nature of the construction activity, identifies, where available, the surface soils and subsoils, delineates the practices to be employed both interim and permanent, and includes a schedule for implementing practices from initial land disturbance until the site undergoes final stabilization.</u>Comm 60.13(1)(a)4. A site plan included with the erosion and sediment control plan shall show the pre- <u>and post</u>-construction ground surface contour lines at intervals appropriate for conditions present within the proposed disturbed areas.Comm 60.13 (1)(a)5. (suggest adding this section) <u>The erosion control plan shall delineate any surface waters of the state that are within the site and also identify the initial downstream surface waters of the state.</u>Comm 60.14 (2) The inspections of the erosion and sediment control practice-practices under this chapter shall be conducted as required under s. Comm 61.41.Comm 60.20 (3)(b) – We recommend revising as follows: (3) CONTROL STANDARDS. In addition to the practices under subd. <u>sub.</u> (2), erosion and sediment control practices shall be employed to reduce the potential sediment load in storm water runoff from the site so as not to exceed <u>to meet at least one</u> of the following: (a) A maximum average annual rate soil loss rate of 5 tons per acre.	<p>The draft will be revised to clarify the matter.</p> <p>The Department believes the requirements under s. Comm 60.13 (1) (a) 2. as written are adequate to address the matter.</p> <p>The Department believes this is unnecessary. The draft language is proposed to remain.</p> <p>The draft will be revised to include delineation of adjacent surface waters of the state and the initial receiving waters.</p> <p>The draft will be revised to reflect this suggestion.</p> <p>The draft will be revised to reflect this suggestion.</p>

**DEPARTMENT OF COMMERCE
SUMMARY OF PUBLIC HEARING COMMENTS AND AGENCY RESPONSE**

Page 10 of 13

Clearinghouse Rule Number: 05-113		Hearing Location: Madison	
Rule Number: Chapters Comm 2, 20-21, 60 and 61		Hearing Date: January 18, 2006	
Relating to: Erosion Control, Sediment Control and Storm Water Management for the Construction of Buildings			
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		<p><u>Have no more than 5 tons per acre per year soil loss based on an average annual rainfall for sites where the predominant soil type at the site is hydrologic soil group A.</u></p> <p>(b) Twenty percent <u>Reduce 80%</u> of the potential sediment load in storm water runoff from the site on an average annual basis as compared with no sediment or erosion controls for the site when the land disturbing construction activity involves one or more acres.</p> <p>(c) Sixty percent <u>Reduce 40%</u> of the potential sediment load in storm water runoff from the site on an average annual basis as compared with no sediment or erosion controls for the site where less than one acre of land disturbing construction activity is to occur.</p> <ul style="list-style-type: none">• Subchapter IV STORM WATER MANAGEMENT - We recommend that this subchapter include a reference to maintaining separation distances to wells similar to s. NR 216.47(4). Reason - The construction of a storm water practice too close to a well may bring the well into non-compliance so adequate separation distance should be maintained.• We recommend adding provisions which allow the owner or owner’s agent to amend erosion control and storm water management plans to account for necessary changes at the construction site or where the plan fails to adequately control pollutants. Section NR 216.50, Wis. Adm. Code, is an example of such a provision.	<p>The reference to NR 151.12 ensures these setbacks.</p> <p>There is no language in the draft that prohibits an owner from revising a storm water management plan.</p>
	Ambs continued	<ul style="list-style-type: none">• We recommend adding provisions which allows Commerce and	

DEPARTMENT OF COMMERCE
SUMMARY OF PUBLIC HEARING COMMENTS AND AGENCY RESPONSE

Page 11 of 13

Clearinghouse Rule Number: 05-113		Hearing Location: Madison	
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		Commerce agents to require that the owner or owner’s agent amend the erosion control and storm water management plans where plans have failed to adequately control sediment discharging from the site. Section NR 216.51, Wis. Adm. Code, is an example of such a provision.	The Department believes that the rules under ss. Comm 21.125 (3) and 60.20 (3) provide sufficient ability to order corrective measures if planned practices are not adequate to address site conditions.
Exhibit No. 7	Chuck Erickson Dane County Land Conservation Committee, Madison Erickson continued	<p>Comm 20.02(2)(e): Requests that local municipalities be permitted to exceed the minimum requirements at their discretion when special environmental concerns exist.</p> <p>Comm 20.10(1)(c)2.b: Agrees with the removal of the 72-hour time frame for correction of noncompliance; but would like to see language reaffirming that compliance issues must be corrected immediately.</p> <p>Comm 21.125(1)(c) and 60.20(3)(a): Questions why the 5.0-ton per acre per year soil loss provision was chosen; Dane County threshold is 7.5 ton per acre which has been accepted by DNR.</p> <p>Comm 21.125(1)(c) and 60.20(3)(a): Recommends that the soil loss standard be the only method allowed.</p> <p>Comm 21.125(1)(c) Suggest that the terminology “annual cumulative soil loss rate” be used instead of “maximum average soil loss”.</p> <p>Comm 21.125(1)(c) and 60.20(3)(a): Questions why a different, lower, level of erosion performance is required on sites where less than one acre of disturbance occurs.</p> <p>Comm 21.125(1)(c)2 and 3: Believes there is no advantage in using the terminology of “percent of potential” versus “percent reduction as compared to no controls”.</p>	<p>The local municipalities are allowed to exceed the uniform requirements in the draft if necessary to comply with the DNR targeted performance standards or EPA requirements.</p> <p>The draft allows the inspector to require immediate repair or replacement when necessary.</p> <p>The draft will be revised to recognize a 7.5 ton per acre standard for certain soil textures presently deemed to represent the maximum extent practicable (MEP) for those textures.</p> <p>Since NR 151.11 allows a percent reduction standard, the equivalent standard in the Department’s rule also allows this option.</p> <p>The draft will be revised to reflect this suggestion.</p> <p>The EPA and DNR standards only apply to the areas of one-acre disturbance. The Department’s proposal applies to all building construction sites.</p> <p>The draft will be revised to reflect this suggestion.</p>
	Erickson continued	Comm 21.125(1)(e)2. and 60.21(2)(a): Contends a monitoring record	The draft language is based on the NR 216 standards for

**DEPARTMENT OF COMMERCE
SUMMARY OF PUBLIC HEARING COMMENTS AND AGENCY RESPONSE**

Page 12 of 13

Clearinghouse Rule Number: 05-113		Hearing Location: Madison	
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		should be required for all sites, including where less than one acre of disturbance occurs. Questions where there has been ample public comment considering there has been only one hearing at one location.	a one acre or more disturbed site. The Department believes the hearing process was adequate.
Exhibit No. 8	Brent Denzin and Andrew Hanson Midwest Enviornmental Advocates, Madison	Comments are submitted by MEA on behalf of River Alliance of Wisconsin, Wisconsin Public Interest Research Group, and the Sierra Club’s John Muir Chapter. Concerned that the proposed rules are not equivalent to DNR’s WPDES regulations under NR 216 in order to serve as the basis for issuance of the permit. Contends the delegation of authority to the Department of Commerce places at risk the EPA delegation to DNR for implementing the Clean Water Act permitting. Contends that the delegation under NR 216.42(4) could keep DNR from meeting the requirements of its enabling statutes. Believes DNR’s only means of assuring that chapter 283 review and enforcement requirements are met is to promulgate all appropriate standards and require all agencies involved in WPDES storm water permitting to regulate in an equivalent manner. Without equivalence, DNR will violate its enabling statutes by allowing applicants to receive permit coverage without meeting ch. 283, Stats. Contends that the erosion control rules are not equivalent to DNR with respect to review processes, descriptive plan requirements and enforcement actions, such as the site details under s. NR 216.46(5). Contends that the storm water management rules are not equivalent to DNR	The Department of Natural Resources has worked with the Department of Commerce during the development of the rules. To this date Commerce has received only affirmation from Natural Resources that the technical requirements in the proposed rules are equivalent to NR 216 erosion, sediment control and stormwater management requirements. The relationship between the DNR and EPA is not under the Department of Commerce control. No comment from the Department. No comment from the Department. The Department believes that the rules are adequate to fulfill its statutory responsibilities under ss. 101.1205 and 101.653. The draft will be reviewed and clarified to reflect the
	Denzin and Hanson		

**DEPARTMENT OF COMMERCE
SUMMARY OF PUBLIC HEARING COMMENTS AND AGENCY RESPONSE**

Page 13 of 13

Clearinghouse Rule Number: 05-113		Hearing Location: Madison	
Rule Number: Chapters Comm 2, 20-21, 60 and 61		Hearing Date: January 18, 2006	
Relating to: Erosion Control, Sediment Control and Storm Water Management for the Construction of Buildings			
Comments: Oral or Exhibit No.	Presenter, Group Represented, City and State	Comments/Recommendations	Agency Response
	continued	<p>under s. NR 216.47 with respect to long-term maintenance plans, descriptions and requirements for best management practices. Suggests the rules specifically reference ss. NR 216.46 and 216.47.</p> <p>Contends that the Notice of Intents and their processing is not equivalent to DNR, which is the sole means of judging an applicant’s ability to comply with permit requirements before conferring coverage. Contends that the rules fail to reflect many of the general requirements under NR 216 subchapter III, including compliance with more stringent local ordinances and the submission of compliance reports by permittees.</p> <p>Believes that the Department’s enforcement abilities are not equivalent to DNR.</p> <p>Contends that the Department must establish penalties that are equivalent to those under NR 216 subchapter III.</p>	<p>requirements of ss. NR 216.46 & .47. The Department believes that a specific reference is unnecessary.</p> <p>The Department of Natural Resources has worked with the Department of Commerce during the development of the rules. To this date Commerce has received only affirmation from Natural Resources that the technical requirements in the proposed rules are equivalent to NR 216 erosion, sediment control and storm water management requirements.</p> <p>Department enforcement abilities reflect the powers granted by the statutes.</p> <p>The Department’s penalties are established by statutes.</p>